



#4

Patent
031544.0004.CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Salvatore Albani

Serial No.: 09/756,983

Filed: January 9, 2001

For: METHODS FOR ISOLATION,
QUANTIFICATION,
CHARACTERIZATION AND
MODULATION OF ANTIGEN-SPECIFIC
T CELLS

Group Art Unit: 1644

Examiner: To be assigned

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RESPONSE TO NOTICE TO FILE CORRECT APPLICATION PAPERSCommissioner for Patents
Washington, D.C. 20231

Sir:

The Patent office mailed a Notice to File Corrected Application Papers on June 13, 2001, stating that one figure, Figure 19A-D, was missing from the filing papers. Applicant asserts that the patent office was in fact incorrect in this regard. As *prima facie* evidence of the fact that all necessary figures were properly submitted, a copy of the return post card, appropriately stamped with the PTO receiving bar code and stating that 38 figures were received by the PTO, is attached herewith.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

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Name of Person Mailing Paper

Signature of Person Mailing Paper

J. Gibbs

Given that the error is a mistake of the Patent office, the Applicant hereby petitions for correction of the filing papers by entering the enclosed copy of figure 19 A-D. Also attached herewith is a petition and a copy of the stamped postcard Exhibit 1, a copy of the Express Mail Label Receipt is attached as Exhibit 2, and the requisite copy of the Notice to File Corrected Application Papers.

Pursuant to 37 C.F.R. 1.136, Applicant hereby petition for a three-month extension of time to respond to the Notice to File Corrected Application Papers mailed June 13, 2001. The extension is effective to allow the timely filing of response up to and including November 13, 2001. Enclosed is a check in the amount of \$460.00 to cover the extension fee.

The Examiner is authorized to charge the Petition fee in the amount of \$130.00 as set forth under 37 C.F.R. 1.17(h) or (i) to Deposit Account No. 50-1273. However, as stated in the Petition, because the Applicant believes that Figure 19A-D was deposited in the U.S. Patent and Trademark Office on January 9, 2001, applicant also requests that the petition fee of \$130.00 should not be charged to the Applicant.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

Dated: 11/2/01

By: 

Douglas C. Murdock
Reg. No. 37,549

BROBECK, PHLEGER & HARRISON LLP
12390 El Camino Real
San Diego, CA 92130-2081
Telephone: (858) 720-2500
Facsimile: (858) 720-2555

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INDEX of Exhibits

Exhibit 1	Copy of Post Card
Exhibit 2	Copy of Express Mail Label Receipt

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EXHIBIT 2

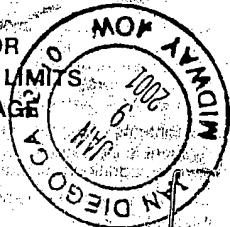
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EXHIBIT 1

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S.N. TBA DKT NO. 031544.0004.CIP *gn*
Date Mailed JAN. 2001 Atty: D.C. MURDOCK
TITLE METHODS FOR ISOLATION, QUANTIFICATION...
(Client Name) ANDROCLUS THERAPEUTICS
NEW CIP APPLICATION
The following, due in the U.S. Patent and Trademark Office, was received in the
Patent & Trademark Office on the date stamped hereon:

<input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Drawings # of Sheets <u>38</u>
<input type="checkbox"/> TM Appln, Including Specimens (#)	<input type="checkbox"/> Formal <input checked="" type="checkbox"/> Informal
<input checked="" type="checkbox"/> Application for Patent Including	<input type="checkbox"/> Issue Fee Transmittal
<u>132</u> Pgs. Spec., No. of Claims <u>11</u>	<input type="checkbox"/> Letter Re: _____
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Power of Attorney	<input type="checkbox"/> Petition for _____
Assign., Ck. No. _____ for \$ _____	<input type="checkbox"/> Advance soft copy order:
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<input type="checkbox"/> Request for Extension of Time	<input checked="" type="checkbox"/> <u>Supplemental Filing 1249</u>
<input type="checkbox"/> Statement of Use, Including Specimens	<input checked="" type="checkbox"/> <u>Transmittal Letter for IDS (1pg)</u>
<input checked="" type="checkbox"/> Check No. <u>505341</u> for \$ <u>475.00</u>	<input checked="" type="checkbox"/> <u>IDS Statement (2pgs)</u>
<input checked="" type="checkbox"/> <u>Priority: PCT/US 99/24666 filed on October 19, 1999</u>	
<input checked="" type="checkbox"/> <u>And Prov. Appl. 09/421,506 filed on October 19, 1999</u>	
<input checked="" type="checkbox"/> <u>And Prov. Appl. 60/105,018 filed on October 20, 1998</u>	
<input checked="" type="checkbox"/> Express Mail No. <u>EL 573388695 US</u>	

☒ Statement (1pg); Submission (2pgs); Seq Listing (10pgs) and Disk

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09/756983



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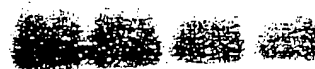
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FIG. 19A.

16

24

RT
pH7



37oC
pH5

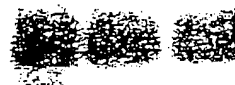


FIG. 19B.

200 20 2 0.1x

200 20 2 0.1x

FIG. 19C.

16

24

RT



pH7

37oC

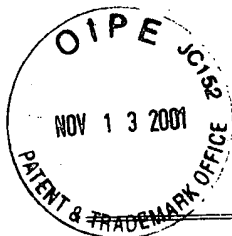


pH5

FIG. 19D.

70 10 1x

70 10 1x



PETITION TO CORRECT APPLICATION PAPERS

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant(s): ANDROCULS THERAPEUTICS
Serial No.: 09/756,983 Filed: January 9, 2001
Attorney: Doug Murdock/dgs

METHODS FOR ISOLATION, QUANTIFICATION, CHARACTERIZATION AND
MODULATION OF ANTIGEN-SPECIFIC T CELLS

Docket No.: 031544.0004.CIP1
Date of Deposit: November 2, 2001, First Class Mail
Enclosure(s): Petition to Correct Application Papers-Figure 19A-D (3 pgs); Figure 19A-D (1 pg); copy of Express Mail Slip (1 pg); copy of stamped post card (1 pg); copy of Notice to File Corrected Application Papers; Check Amount \$130.00 and Check Amount \$460.00 for (3) month extension of time. RESPONSE TO NOTICE TO FILE CORRECT APPLICATION PAPERS (3 pgs.)

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PHLEGER &
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LLP
ATTORNEYS AT LAW

BROBECK, PHLEGER & HARRISON LLP

ATTORNEYS AT LAW
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	10/23/2001	Petition for 3 month Extension of Time Fee 031544.0004.CIP1.P1068	\$460.00



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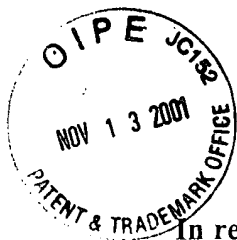
INVOICE NUMBER	INVOICE DATE	DESCRIPTION	AMOUNT
	10/23/2001	Fee for Petition regarding Notice to File Corrected Application Papers 031544.0004.CIP1.P1068	\$130.00



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Patent
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Salvatore Albani

Serial No.: 09/756,983

Filed: January 9, 2001

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T CELLS

Group Art Unit: 1644

Examiner: To be assigned

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PETITION TO CORRECT APPLICATION PAPERS
UNDER RULE 37 C.F.R. 1.181

Office of Petitions
Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby petitions to have the filing papers corrected to include Figure 19A-D which figure was misplaced by the PTO. Enclosed is a copy of the stamped Return Postcard that was originally filed with the filing papers. The post card clearly indicates that 38 drawings were filed with Application on January 9, 2001. Applicant assert that all 38 drawings were filed with the Application on January 9, 2001. The PTO receiving office duly stamped and returned the post card

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

J. Gibbs
Name of Person Mailing Paper

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Jal Gibbs
Signature of Person Mailing Paper

noting no discrepancy with the filing papers. Under 37 C.F.R. 1.181 (b) and MPEP 503 the stamped and returned post card is prima facie evidence that the error is on the part of the PTO.

A copy of the stamped postcard is attached as Exhibit 1, a copy of the Express Mail Label Receipt that was attached to the filing papers is attached as Exhibit 2, a copy of the Notice to Correct Application papers, and a replacement copy of Figure 19A-D are enclosed.

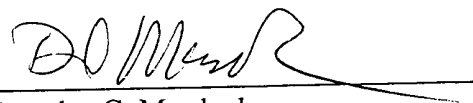
Pursuant to 37 C.F.R. 1.136, Applicant hereby petition for a three-month extension of time to respond to the Notice to File Corrected Application Papers mailed June 13, 2001. The extension is effective to allow the timely filing of response up to and including November 13, 2001. Enclosed is a check in the amount of \$460.00 to cover the extension fee.

The Examiner is authorized to charge the Petition fee in the amount of \$130.00 as set forth under 37 C.F.R. 1.17(h) or (i) to Deposit Account No. 50-1273. However, as stated in the Petition, because the Applicant believes that Figure 19A-D was deposited in the U.S. Patent and Trademark Office on January 9, 2001, applicant also requests that the petition fee of \$130.00 should not be charged to the Applicant.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

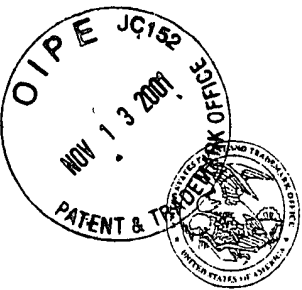
Dated: Nov 2, 2001

By: 
Douglas C. Murdock
Reg. No. 37,549

DCM:dgs
BROBECK, PHLEGER & HARRISON LLP
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Page 1 of 2

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/756,983	01/09/2001	Salvatore Albani	031544.0004.CIP

CONFIRMATION NO. 6818

23865
EDWARD O. KRUESSER
BROBECK PHLEGER & HARRISON
12390 EL CAMINO REAL
SAN DIEGO, CA 92130

FORMALITIES LETTER



OC000000006178886

Date Mailed: 06/13/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **19A-D** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

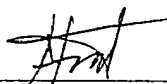
III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the

09/756,983

date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



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